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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixtieth session

SUMMARY RECORD OF THE 1523rd MEETING

Held at the Palais Wilson, Geneva,
on Friday, 22 March 2002, at 3 p.m.

Chairman: Mr. DIACONU

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CLOSURE OF THE SESSION

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 6) (continued)

Draft concluding observations concerning overdue reporting by Saint Vincent and the Grenadines (CERD/C/60/Misc.31/Rev.2) (document distributed in the meeting room, in English only)

1. The CHAIRMAN invited comments on the draft concluding observations prepared by the country rapporteur.

2. After a discussion of drafting changes in which Mr. THORNBERRY (Country Rapporteur), Mr. ABOUL-NASR, Mr. P!LLAI, Mr. BOSSUYT and Mr. HERNDL took part, the CHAIRMAN suggested that the country rapporteur should incorporate the agreed changes in a revised version of his draft, which would then be regarded as adopted by the Committee.

3. It was so decided.

ORGANIZATIONAL MATTERS AND METHODS OF WORK (agenda item 4) (continued)

Draft decision on the holding of a future session at United Nations headquarters in New York

4. The CHAIRMAN asked whether the Committee was ready to take a decision on the holding of a future meeting of the Committee at United Nations headquarters in New York. One possibility would be to request that the sixty-third session should be held there in August 2003.

5. Mr. BOSSUYT said that a number of members of the Committee appeared to favour August 2003 rather than March 2003, which would not only leave too little time for preparation but might clash with other commitments.

6. Mr. HERNDL said that, since there was no certainty that resources, conference rooms and services would be available at specific dates, it would be advisable to adopt a flexible approach. The decision might take the form of requesting that one of the Committee's 2003 sessions should be held in New York.

7. Mr. YUTZIS, supporting Mr. Herndl's suggestion, said that another factor that should not be forgotten was that the busiest times of the year did not coincide in the northern and southern hemispheres.

8. Mr. ABOUL-NASR, agreeing with the two previous speakers, said that the essential point was to break with previous practice by requesting a meeting in New York, regardless of the date.

9. Mr. RESHETOV said that, while obtaining authorization to hold a session in New York was certainly the main objective, it was bound up with the problem of finding an acceptable date.

It was obvious that the division of opinion in the Committee ruled out any prospect of consensus. August had already been mentioned as a possible date and if some alternative or alternatives were put forward, a decision might be reached by an informal show of hands.

10. The CHAIRMAN pointed out that if Mr. Herndl's suggestion was followed, there would be no need for a vote of any kind.

11. Mr. RESHETOV said that, if no specific dates were proposed, authorization might not be obtained to hold a session in New York.

12. Mr. AMIR said that a number of obstacles appeared to stand in the way of a decision: not only the human and material difficulties involved in a change of venue, but also problems relating to some countries' geographical location. Account had also to be taken of the location of the Office of the High Commissioner and of NGOs. On the other hand, a failure on the part of the Committee to reach agreement might also create an unfavourable impression. The situation was one that required more thorough thinking through, taking particular account of the views of the Office of the High Commissioner.

13. Mr. BOSSUYT said he hoped that it would be possible to hold some future session in the southern hemisphere, which would be an interesting experience for all. However, when a proposal to that effect had been put forward in 2001, Conference Services had replied that the only available time would be the first three weeks in January, while the budgetary services had subsequently rejected the proposal out of hand. He therefore strongly supported Mr. Herndl's proposal, to which he would add a request that all members of the Committee should be informed of the prospective dates as early as possible.

14. The CHAIRMAN said he took it that Mr. Herndl's proposal was acceptable to the Committee as a whole. Accordingly, a decision to that effect would be submitted to the General Assembly. The secretariat should be requested to look into the question of budgetary implications before the next session of the Committee, so that it could include them in its report to the General Assembly on its sixty-first session.

15. It was so decided.

Programme for the Committee's sixty-first session

16. The CHAIRMAN said that among the matters to be decided was whether provision should be made for a general debate. The Committee would also have to decide at some point on the form that discussions with NGOs should take.

17. Mr. ABOUL-NASR said he strongly supported the holding of a general debate.

18. Mr. THORNBERRY said that plans would also have to be made for the conduct of the thematic debate. As to the discussions with NGOs, almost unanimous agreement had already been reached that at least half a day should be set aside for that purpose. It would be difficult to arrange that in time for the August 2002 session, but it should be feasible for the March 2003 session.

19. Mr. KJAERUM said that, while he was in favour of holding a general debate, participants would be able to prepare themselves more adequately if they were given some indications of the issues to be addressed. He agreed with Mr. Thornberry about the desirability of setting aside half a day or a full day at the March 2003 session for discussions with NGOs.

20. The CHAIRMAN said that, in his view, the general debate should be broad in scope and not tied down to specific issues, which would turn it into a thematic debate.

21. Mr. YUTZIS said there was a risk that an unduly open debate would not be productive. Previous documentation would need to be made available in advance to enable members to prepare for the debate. Furthermore, members intending to take the floor should be asked to circulate to others brief indications, perhaps in as little as one or two pages, of the topics they intended to cover and the approach they would adopt. If adequate preparations were to be made for the participation of NGOs in the Committee's discussions, the earliest feasible date would be the March 2003 session.

22. Mr. LINDGREN ALVES said that he favoured enabling NGOs to participate in a session at the earliest feasible date. As to the holding of a general debate on the broad theme of racism, he wondered whether any precedent for such action existed in the practice of any other treaty body. There seemed to him to be a considerable risk of duplicating work already being done in the Commission on Human Rights at the political level, and in the Sub-Commission on the Promotion and Protection of Human Rights at the expert level.

23. Mr. HERNDL said he did not share Mr. Lindgren Alves' concern. The general debate would bear on such matters as the implementation of the Convention, progress achieved, obstacles encountered and possibilities for future action. As to the NGOs, provision should be made to hear their views in 2003 and, to that end, it might be necessary for the Committee to amend its rules of procedure. In discussing the work programme for the next session, it would be helpful to know whether the dates of that session had yet been fixed.

24. Ms. PROUVEZ (Secretary of the Committee) said that, in accordance with the expressed wishes of the Committee, the dates 5-23 August 2002 had been submitted to and approved by Conference Services. The session would be held at the Palais des Nations.

25. The CHAIRMAN said he took it that there was general support for scheduling the discussions with NGOs for the March 2003 session.

26. It was so decided.

27. Mr. ABOUL-NASR said that, when he had introduced the proposal for a general debate, he had not meant to insist that it must be held at the August 2002 session, for which a thematic discussion had already been scheduled. Now that the proposal had been accepted in principle, more time was needed to reach agreement on the most appropriate date. A final decision could be taken at the August 2002 session.

28. Mr. BOSSUYT said that an appropriate time to discuss the format and content of the general debate would be the first Monday morning of the August session. The Committee would then be able to begin its consideration of reports on the afternoon of that day.

29. Mr. PILLAI said that there was a need for a clear view of how the general debate was to be structured. Would each member speak from his or her personal point of view or experience, or would some kind of consolidated information be provided for members to study in advance of the session in order to prepare their statements? No final decision had been taken on those matters. The next session would provide an opportunity to reach agreement on a more structured format of the kind he had suggested, in time for a general debate to be held at a subsequent session.

30. Mr. YUTZIS said that he agreed with the general thrust of the comments made by the two previous speakers. Whatever the actual date selected, there would have to be a discussion at the next session of the format, content and methodology of the debate to be held.

31. Mr. THORNBERRY said he agreed that more thought needed to be given to structure. He welcomed the idea of prior circulation of supporting documentation. As to comparable actions taken by other treaty bodies, he believed that the Committee on Economic, Social and Cultural Rights made provision for a day of general discussion, but that it usually centred round a specific theme. In the Committee's case, that might be some topic arising from a particular article of the Convention, such as anti-racist education under article 7. A particularly important point was that, in the general debate, the Committee should abide by the principles of accuracy, precision and sensitivity which it so scrupulously observed when dealing with country reports.

32. The CHAIRMAN said that all matters concerned with the general debate and its preparation, including the question of documentation, would be discussed at the next session, whether the debate itself were held at that session or in March 2003. As already agreed, provision would be made for informal participation by NGOs at the latter session. As for the thematic debate, some provision would have to be made for prior discussion with NGOs, as had been done in relation to the topic of the Roma.

33. Mr. YUTZIS said it was important that the general debate should be based on prior information, rather than spur-of-the-moment inspirations. He reiterated his request that members of the Committee proposing to speak on particular matters should prepare a brief written statement indicating how they envisaged the format and content of their contributions.

34. The CHAIRMAN said that no decision would be taken on the matter at the current session.

Other short-notice items

35. The CHAIRMAN, replying to a question from Mr. THORNBERRY, confirmed that the discussion of working methods would be continued at the sixty-first session. Mr. Valencia Rodríguez was currently preparing proposals for revised guidelines on the matter.

36. Mr. HERNDL said that he wished to raise two short-notice items: one concerned the distribution of summary records. While records prepared by the English section covering the first two weeks of the session had become available, not a single record had been received from the French section. That matter should be brought to the attention of the Secretariat.

37. His second item was a proposal: that, as from the forthcoming August session, the Committee should, at least on a trial basis, revert to its former practice of holding the discussion on concluding observations in closed meetings. While that procedure might have the disadvantage of generating less interest in the recommendations made, the latter could stand for themselves once published. The discussion preceding their adoption should remain a private matter concerning only the 18 members of the Committee.

38. Mr. ABOUL-NASR said that, on the matter of the summary records, he was in entire agreement with Mr. Herndl. The quality of the English records was very good, but no French records had been received at all. It should, however, also be mentioned that the previous year no records had become available in either language during the Committee's sessions.

39. As to the proposal to discuss concluding observations in closed session, he would not be opposed to reverting to closed meetings on a trial basis, but thought that little would be gained thereby, since the public was in any case conspicuous by its absence from the public meetings.

40. Mr. BOSSUYT said that, unless strong arguments could be put forward in favour of reverting to closed meetings on the adoption of concluding observations, he was inclined to oppose any change, which might jeopardize transparency as well as the already low level of general interest in the Committee's work.

41. The CHAIRMAN said that Mr. Herndl's proposal could be considered at the beginning of the next session.

42. Ms. JANUARY-BARDILL, turning to another matter, said that the secretariat had reported the reception of several communications from NGOs in Fiji inviting members of the Committee to visit that country - whose report was to be considered at the next session - and look into the situation there. She would be grateful for advice on the appropriate manner of responding to such invitations.

43. Mr. ABOUL-NASR said that he had reservations about the propriety of accepting invitations extended by those who were to bear the costs of the visits.

44. The CHAIRMAN said that the Committee could not, per se, respond to a request from an NGO. Matters would be different if the initiative were to come from the State party.

45. Mr. RESHETOV said that, as a matter of principle, and without intending any personal reference to Ms. January-Bardill, he did not think it appropriate for a country rapporteur to accept an invitation to visit a particular country with expenses paid, since to do so might impair his or her objectivity.

46. Ms. JANUARY-BARDILL said that the invitation had been addressed to the Committee and that it had been passed on to her by the secretariat because she was country rapporteur for Fiji and had happened to be in Switzerland when the invitation had been received. It was not addressed to her personally nor indeed to any other particular individual.

47. Mr. ABOUL-NASR said that in future any communication addressed to the Committee should first pass through the Chair.

48. The CHAIRMAN said that he had had no previous knowledge of the communications, which appeared to have been addressed to the Secretary of the Committee. If Ms. January-Bardill, as country rapporteur, considered that the situation in Fiji was critical, the Committee might decide at its next session to send one or more members to that country for discussions. But, as a Committee, it could take no action in response to a communication from an NGO.

49. Mr. YUTZIS said that, regardless of procedural details, it was both desirable and commendable that Committee members should visit States that had ratified the Convention, particularly in exceptional and emergency situations.

50. Mr. RESHETOV said that it might encourage the authorities in Fiji to submit their report if their representative was informed that the Committee was intending to review the situation in that country, using materials that would include reports by NGOs. Invitations from private organizations could not, however, be accepted.

51. The CHAIRMAN said that no decision would be taken on the question of Fiji at the present session.

52. Mr. YUTZIS, raising another short-notice item, suggested that the Committee should continue the activities of the open-ended working group on follow-up to the Durban Conference. There were many points on which the working group could continue to make proposals.

53. Mr. SHAHI said that he strongly supported that suggestion. The open-ended working group should continue its operations, renewable at every session, for an indefinite period. In view of Mr. Yutzis' experience, it would be appropriate for him to continue to act as coordinator.

54. The CHAIRMAN said that the group's work could be reviewed and its specific contribution, having regard to the activities of other United Nations bodies, evaluated at the Committee's next session.

55. Mr. THORNBERRY said that the Committee would presumably receive a report from the Chairman on the outcome of consultations with the inter-committee meeting of chairpersons of treaty bodies. Had any final decision been taken on the representation of the Committee at that meeting?

56. The CHAIRMAN said that a report was indeed forthcoming, although he was not sure when it would become available. As to representation, he had himself proposed Mr. Valencia Rodríguez and an offer to participate had also been made by Mr. Aboul-Nasr.

57. Ms. JANUARY-BARDILL said that her concern related, not to the two persons selected, but to the selection procedure followed, regarding which she would welcome further information.

58. The CHAIRMAN said that he had proposed Mr. Valencia Rodríguez as a person who was familiar with the Committee's methods of work. Mr. Aboul-Nasr's offer to represent the Committee had elicited no reaction from other members of the Committee.

59. Mr. KJAERUM said that the question of participation in meetings and visits was a matter that might best be referred to the bureau, whose specific proposals would then probably be generally acceptable.

60. Mr. SHAHI said that, in future, it might be advisable to follow the procedure suggested by Mr. Kjaerum. He recalled, however, that in one of the open-ended group meetings Mr. Amir had suggested that Mr. Valencia Rodríguez and Mr. Aboul-Nasr, who were Former Chairmen of the Committee, should accompany the present Chairman to the meeting of chairpersons. At the time, no objection had been raised and he had not heard of any since. That, as he recollected, was how the decision had been reached.

61. Mr. RESHETOV said he did not think that the Chairman's reports on meetings attended should necessarily be submitted in writing, since his impressions could be conveyed orally. As to the selection of persons to attend meetings, the method suggested by Mr. Kjaerum seemed to be the most advisable. The bureau should take the decisions, or at any rate be consulted by the Chairman.

62. Mr. YUTZIS said that, although the Committee had no relevant rules of procedure, the practice had been that the sensitive issue of selection of candidates was dealt with by the bureau. Unfortunately, for various reasons, the bureau had met only once at the current session and that had been early in the proceedings. It would be advisable for the bureau to meet once a week during each session so that situations such as the present one could be dealt with objectively.

63. The CHAIRMAN said he conceded that it would have been better to convene the bureau. However, no one had requested such a meeting and, when the matter had been discussed in the working group and in plenary, no one had raised the point.

64. Mr. BOSSUYT said that the Committee as a whole, and not the Chairman alone, bore the responsibility for the state of affairs that had arisen.

65. Mr. VALENCIA RODRIGUEZ said it had been his understanding that the Committee's decision had been reached pursuant to its rules of procedure. In view of the suggestions that due

objectivity had not been observed, he was now obliged to say that, while grateful for the confidence implicit in his selection, he no longer had any interest in participating in the group that would represent the Committee at the June meeting. The Committee was now at liberty to take whatever decision it deemed most appropriate.

66. Mr. YUTZIS said that, in his view, the issue was not one of personalities, but of procedure. The matter should have been referred to the bureau. Mr. Valencia Rodríguez's familiarity with matters to be discussed at the meeting of chairpersons of treaty bodies would be very valuable.

67. Mr. HERNDL said that the Chairman had already recognized that the bureau should be involved when the question of appointments arose. As to the current situation, a decision had been taken and should not now be revoked. The delegation would consist of the Chairman and the two other members of the Committee, both of whom had the requisite seniority and familiarity with the Committee's procedures. In future, any such matters would be referred to the bureau.

68. Ms. JANUARY-BARDILL said that she fully agreed with Mr. Herndl. There was no doubt about the suitability of Mr. Valencia Rodriguez to be a member of the group. She was sorry that he had chosen to personalize the matter; for it would be a sad day for the Committee if it was felt that issues could not be raised because they might upset other members.

69. Mr. THORNBERRY said that the Committee should reaffirm its confidence in Mr. Valencia Rodríguez by asking him to accept the invitation to attend the meeting with the Committee's full endorsement.

70. It was so decided.

CLOSURE OF THE SESSION

71. After the customary exchange of courtesies, the CHAIRMAN declared the sixtieth session of the Committee closed.

The meeting rose at 4.35 p.m.